

VETO MESSAGE

February 23, 1881.<sup>13</sup>

*To the Honorable the Senate and House of Representatives in the  
Legislature assembled:*

The bill entitled, "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, or laboring on the wharves or levees of the ports in the State of Texas beyond the end of the ship's tackle," is hereby disapproved and returned to the House, in which it originated, with the following objections to it becoming a law:

1. It makes labor a crime in Texas by foreign sailors when done by them in loading their own vessels, if done beyond their ship's tackle.

2. The tackle is defined to be the rigging and apparatus of a ship, and the distance allowed, by this act, for a sailor to work in loading his vessel would only be so far as the apparatus of the ship for loading and unloading the vessel would reach, which may not be more than ten or fifteen feet from the side of the vessel. In loading cotton and other bulky articles from the wharves on to the vessel, it may often be impracticable to place them within that distance of the side of the vessel, and, therefore, the effect of the act would be to prevent the sailors from loading and unloading their own vessels, although they may have contracted to do so in taking service in them.

3. The act, by preventing one class of laborers from working on a part of the wharves or levees, that may be necessary in loading and unloading vessels in the Texas ports, will give another class of laborers a monopoly in the business; whereas, our Constitution declares that "monopolies are contrary to the genius of a free government, and shall never be allowed."

4. While it is the duty of the government to protect its citizens in their labor, that does not extend to furnish them with the opportunity to labor, which is a matter of contract, when one person is hired to labor for another, and if sailors have contracted, in signing their ship-articles, to do labor on any parts of the wharves or levees that may be necessary in loading and unloading their vessels, it would be an illiberal discrimination against them, who are a favored class in all civilized countries. If they are constrained by the power held over them by their officers to labor in our ports beyond the limits of their contract, the evil and injustice of it should be met directly, by penalties of fine and imprisonment inflicted upon their officers, and not upon them.

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<sup>13</sup>*House Journal*, 155.

5. The enforcement of such a law will tend to drive foreign shipping from our ports, to increase freights and the expenses of handling the articles of commerce, which at last comes back as a loss upon the producer and consumer.

6. If this act becomes a law, it will inaugurate in this State class legislation, the end of which may not now be well seen; for, if one sort of labor and industry is to be protected against foreign competition, all other sorts are equally entitled to it.

It will not stop with foreign competition, but it will encourage and engender a struggle between all classes, rings and combinations to obtain extra advantages through the operations of the State government in their favor, sanctioned by legislative action, which would necessarily result in detriment to the interest of the great body of our people. So far as I have been able to ascertain the facts, relating to the port of Galveston, this is a struggle between two combinations, and an appeal to the government by one of them to be given by law an exclusive right to the prejudice of the other. I have no information as to the other ports of Texas.

My objections to the act is not founded on the fact that heretofore this competition in labor has saved any expense in handling the cargoes of vessels so much as that when the competition is removed, as it would be by this act, it would be in the power of the successful combination of laborers to increase the expense beyond what it has been; and further, that the principles should be preserved in the government which demands an open field in labor to any and every one who will work within the limits of Texas, whether he be a stranger transiently here or a citizen permanently settled.

O. M. ROBERTS, Governor.